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INDIVIDUAL FRESHWATER WETLANDS PERMIT INDIVIDUAL OPEN WATER FILL PERMIT

APPLICATION CHECKLIST AND FEE TABLE

(updated 07/21/03)

To complete this checklist, you will need the following attachments:

Attachment A: Form letter for providing certified mail notice of an application

Attachment B: Form for providing newspaper notice of an application

Attachment C: List of municipalities with swamp pink plants

Attachment D: List of municipalities with bog turtles

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

NOTE: The term "site," when used in this application checklist, has the meaning set forth for that term at N.J.A.C. 7:7A-1.4.

APPLICATION REQUIREMENTS:

To be deemed administratively complete, an application for an individual freshwater wetlands or open water fill permit must include all of the following items:

- ☐ 1. A LURP-1 application form, completed in accordance with the directions on the form;
- ☐ 2. The appropriate fee, indicated in the fee table below, paid as follows:
 - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - The fee shall be made payable to "Treasurer, State of New Jersey";
 - Each check, purchase order, or money order must be marked with the name of the applicant;
 - Each check, purchase order, or money order must indicate the general permit for which the application is submitted (for example, "general permit 5");
- ☐ 3. Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) All of the following must be submitted:
 - ___ A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
 - ___ B. Proof that a completed copy of the notice letter found in Attachment A has been sent to each of the following:
 - ___ i. The municipal environmental commission (if one exists);
 - ___ ii. The municipal planning board;
 - ___ iii. The municipal construction official;
 - ___ iv. The county planning board;
 - ___ v. The county mosquito control agency;
 - ___ vi. The county environmental commission (if one exists); and
 - ___ vii. One of the following sets of neighboring landowners (applicant choose one option):
 - Option 1 ___ All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site").
 - If this option is chosen, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality; or
 - Option 2 ___ All owners of land within 200 feet of the disturbance.
 - If this option is chosen, the application must also include a tax map with the location of the proposed disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined;
 - ___ C. Proof that a display advertisement has been published in the newspaper of record for the municipality in which the site is located. The advertisement shall be at least four column inches in size and shall include all of the information required in the notice letter in Attachment A;

- To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published; and

___ D. If the project involves more than ten acres of disturbance, proof that the notice in Attachment B has been published in a newspaper with regional circulation;

Note: If a project site is located in more than one municipality or county, the notice requirements in item 3 above must be met for each municipality and/or county in which the site is located.

- ☐ 4. A copy of a USGS quad map, with: the site clearly outlined (USGS quad maps can be obtained from the Department's Office of Maps and Publications – (609) 777-1038); and State Plane coordinates for a point at the approximate center of the site. The accuracy of the State plane coordinate shall be within 50 feet of the actual center point of the site. Please use nad 1983. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672.

Note: For a linear development, the State plane coordinates shall include the coordinates for the end point of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development.

- ☐ 5. An up to date county road map or local street map, with the site clearly indicated;
- ☐ 6. Original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and the area that will be disturbed by the proposed activities. A minimum of ten photographs is required;
- ☐ 7. The following information on the location of wetlands on the site:
- ___ A. A letter of interpretation (LOI) if one has been issued for the site under N.J.A.C. 7:7A-3; or
 - ___ B. If no LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification LOI. This information is listed on the application checklist for a letter of interpretation. The wetlands delineation required by the LOI application checklist shall be drawn onto the site plan required in item 19 below; or
 - ___ C. If no LOI has been issued, and the site is one acre or smaller, no delineation or other information is required under item 9;
- ☐ 8. Ten copies of a detailed project description including:
- ___ A. The purpose and intended use of the proposed project;
 - ___ B. A description of the proposed activities involved in completing the project;
 - ___ C. A description of any structures to be erected, and how they will be used;
 - ___ D. A schedule for the progress and completion of the proposed project;
 - ___ E. The total area of freshwater wetlands and/or state open waters on the site;
 - ___ F. The total area of freshwater wetlands and/or State open waters proposed to be disturbed;

- ☐ G. A statement indicating whether the proposed project is a "water-dependent activity", as defined at N.J.A.C. 7:7A-1.4;
- ☐ 9. Ten copies of a detailed alternatives analysis demonstrating compliance with N.J.A.C. 7:7A-7.2(b)1, taking into account the factors listed at N.J.A.C. 7:7A-7.2(c). The alternatives analysis shall include:
- ☐ A. Alternatives to the proposed project, including alternative locations on the site, alternative sites, a reduction in the size of the project, and/or a change in the configuration of the project;
 - ☐ B. Alternative construction methods which would reduce the amount of disturbance, or which would reduce the environmental impact of the proposed project; and
 - ☐ C. The reasons for rejecting the above alternatives;
- ☐ 10. Ten copies of an explanation of how the proposed project will meet each of the requirements listed at N.J.A.C. 7:7A-7.2(b)2 through 14;
- ☐ 11. If the proposed project is not a "water-dependent activity", as defined at N.J.A.C. 7:7A-1.4, submit ten copies of documentation that all of the following criteria are met:
- ☐ A. The basic project purpose cannot reasonably be accomplished using one or more other sites in the general region that would avoid or reduce the adverse impact on an aquatic ecosystem;
 - ☐ B. The basic project purpose cannot reasonably be accomplished if the size, scope, configuration, or density of the project is reduced from that proposed;
 - ☐ C. The basic project purpose cannot reasonably be accomplished by an alternative design that would avoid or reduce the adverse impact on an aquatic ecosystem; and
 - ☐ D. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as inadequate zoning, infrastructure, or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints;
- ☐ 12. If the proposed project will take place in an exceptional resource value wetland or trout production water, and the project is not a "water-dependent activity", as defined at N.J.A.C. 7:7A-1.4, the applicant must submit ten copies of documentation (in addition to the information required under item 12 above) that one or both of the following criteria are met:
- ☐ A. There is a compelling public need for the proposed activity greater than the need to protect the freshwater wetland or trout production water, and that need cannot be met by essentially similar projects in the region which are under construction or expansion, or which have received the necessary governmental permits and approvals; or
 - ☐ B. Denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property;
- ☐ 13. Ten copies of a description of best management practices, as defined at N.J.A.C. 7:7A-1.4, by which the applicant proposes to prevent or reduce the adverse environmental effects of the proposed activity on freshwater wetlands, transition areas, State open waters, and adjacent habitats;

- ☐ 14. Ten copies of a list of all plants, fish and/or wildlife in the portion of the site that will be affected by the proposed activities, which may be dependent on water quality and/or quantity;
- ☐ 15. Ten copies of a list and description of all freshwater wetlands, vegetative communities, special aquatic sites (as defined at N.J.A.C. 7:7A-1.4), public use areas, wildlife refuges, and potable water intakes on the site or adjacent to the site, which may require special protection or preservation;
- ☐ 16. A copy of the deed and/or other relevant documents pertaining to the site, showing property boundaries, ownership, easements, restrictions, previous approvals by any local, federal, interstate or state agency, and any other information relating to the site that will assist the Department in assessing compliance with the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A;
- ☐ 17. Ten folded copies of a site plan or subdivision map, signed by a licensed surveyor and, where appropriate, a licensed engineer, showing:
- ☐ A. All existing structures on the site and on all immediately adjacent lots;
 - ☐ B. All proposed structures, disturbances, and activities;
 - ☐ C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, uplands, roads, and utility lines;
 - ☐ D. A complete delineation of the wetlands boundary in accordance with the requirements of letter of interpretation line verification. A letter of interpretation issued by the Department which show the wetlands boundary may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved line;
 - ☐ E. The area which will be used for the proposed activity or discharge;
 - ☐ F. The location of the site in relation to development in the region;
 - ☐ G. The scale of the plan and a north arrow;
 - ☐ H. The name of all persons who prepared the plan and the date of preparation;
 - ☐ I. The name of the applicant, and municipal lot(s) and block number(s) of the project site;
- ☐ 18. Ten folded copies of a cross-sectional view of the proposed area of disturbance, showing:
- ☐ A. Existing water elevations of the wetlands or open water;
 - ☐ B. Existing water depths at the waterward face of the proposed activities, or if dredging is proposed, show the dredging grade;
 - ☐ C. Cross-section of fill;
 - ☐ D. Elevation of dredged material disposal areas;
 - ☐ E. Location of wetlands and State open waters;
 - ☐ F. Delineation of disposal site; and
 - ☐ G. A complete title block stating the municipality, county; name of applicant; and date the plan was prepared.

- ☐ 19. Ten copies of a description of the source and location of any dredged material or fill material, as those terms are defined at N.J.A.C. 7:7A-1.4, that will be discharged on the site, or that will be dredged or excavated on the site, including:
- ☐ A. The method of dredging used, if any;
 - ☐ B. The type, composition and quantity of the material;
 - ☐ C. The proposed method of transporting the dredged or fill material; and
 - ☐ D. The method of disposal of the material, including the type of equipment to be used;
- ☐ 20. A mitigation proposal that meets the requirements of N.J.A.C. 7:7A-15. The mitigation proposal may be submitted with the application or it may be submitted later. However, no permitted activities may begin until the Department has approved a mitigation proposal;
- ☐ 21. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias Bullata*) (these municipalities are listed in Attachment C), the application must also include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;
- ☐ 22. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Attachment D), the application must also include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;
- ☐ 23. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, submit a letter from the National Park Service approving the proposed activities.
- As of August 1, 2001, the water bodies containing designated wild and scenic river areas in New Jersey are:
 - The Maurice River and tributaries;
 - The Great Egg Harbor River and tributaries
 - Portions of the Mullica/Lower Atsion River; and
 - Portions of the Delaware River.
 - Contact the Department at the above address for more detailed information on wild and scenic rivers.

For more information, see the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A.

**INDIVIDUAL FRESHWATER WETLANDS PERMIT
INDIVIDUAL OPEN WATER FILL PERMIT
APPLICATION FEES**

Type of approval	Fee
Individual freshwater wetlands or open water fill permit	\$2,000.00 plus \$200.00 per 1/10 ¹ acre affected
Individual permit extension	\$1,000.00

Notes:

1. Cost "per 1/10 acre" means the cost is per tenth of an acre or fraction thereof, such that an area of 0.12 acres would have the same fee as an area of 0.2 acres.
2. When this fee table refers to an "acre affected", this means an acre of freshwater wetlands or State open water that will be affected by a regulated activity.